

REMARKS

After entry of this amendment, claims 1-77 will be pending for the Examiner's review and consideration. The Applicant would first like to thank the Examiner for allowance of claims 22-67. The Office Action dated November 17, 2003 has been carefully considered. Claims 1 and 68 have been amended without prejudice to clarify the language used to describe the present inventions. Thus, no estoppel effect should be given to the amended claims. No new matter has been added. Reconsideration and allowance of the present application in view of the above amendments and the following remarks is respectfully requested.

In the Office Action dated November 17, 2003, the Examiner:

- rejected claims 1-8, 17-18, and 20-21 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,199,865 to Liang ("Liang");
- rejected claims 68-72 and 74-77 under 35 U.S.C. § 102(a and/or e) as being anticipated by United States Patent No. 6,213,759 to Sung ("Sung");
- rejected claims 9-13 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of Sung;
- rejected claims 9-16 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Liang in view of United States Patent No. 4,870,314 to Hefling ("Hefling");
- rejected claim 73 under 35 U.S.C. § 103(a) as being unpatentable over Sung; and
- allowed claims 22-67.

Independent Claim 1

Independent claim 1 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Liang. Independent claim 1 has been clarified to recite a lighter comprising a housing having a supply of fuel; an actuating member moveable to selectively ignite the fuel, the actuating member associated with the housing; and a moveable wand assembly associated with the housing and operatively associated with the actuating member such that when the wand assembly is in a first position, the wand assembly substantially constrains the actuating member from moving a distance sufficient to ignite the fuel. There is no disclosure, teaching, or suggestion in Liang of a moveable wand assembly operatively associated with the actuating member such that when the wand assembly is in a first position the wand assembly

substantially constrains the actuating member from moving a distance sufficient to ignite the fuel.

Rather, Liang discloses a foldable safety lighter having a rotating nozzle and a control knob, *i.e.*, a moveable actuating member for releasing and igniting fuel. There is no disclosure in the Liang device of any operative association between the rotating nozzle and the control knob, such that the rotating nozzle is capable of substantially constraining the actuating member from moving a distance sufficient to ignite the fuel. Liang simply discloses a rotating nozzle that in a first position obstructs access to the control knob thereby making it more difficult for one to depress the control knob to release and ignite the fuel. That is, in Liang, the rotating nozzle does not constrain the control knob. Rather, it merely blocks access to the control knob. Therefore, it is respectfully submitted that Liang does not disclose, teach, or suggest all of the elements of independent claim 1. Thus, it is respectfully submitted that independent claim 1 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 1 is respectfully requested.

Claims 2-21 all ultimately depend from independent claim 1, and thus, it is respectfully submitted that these claims are equally allowable. Withdrawal of these rejections and allowance of claims 2-21 is therefore respectfully requested.

Independent Claim 68

Independent claim 68 has been rejected under 35 U.S.C. § 102(a and/or e) as being anticipated by Sung. Independent claim 68 has been clarified to recite a lighter comprising a housing having a supply of fuel; a housing assembly having a supply of fuel; a wand assembly associated with the housing assembly and having a nozzle; a conduit for transporting fuel from the supply to the nozzle; an ignition assembly for igniting fuel at the nozzle; and an actuating member operable to selectively release fuel from the nozzle and actuate the ignition assembly, wherein a lead from the ignition assembly for igniting fuel at the nozzle is disposed within the conduit. There is no disclosure, teaching, or suggestion in Sung of a lighter having a conduit for transporting fuel from the supply to the nozzle wherein a lead from the ignition assembly for igniting fuel at the nozzle is disposed within the conduit. Sung simply fails to disclose, teach, or suggest a conduit for transporting fuel wherein a lead from the ignition assembly for igniting fuel at the nozzle is disposed within the conduit. Therefore, it is respectfully submitted that Sung does not disclose, teach, or suggest all of the elements of independent claim 68. Thus, it is respectfully submitted that

independent claim 68 is allowable over the cited prior art. Withdrawal of this rejection and allowance of independent claim 68 is respectfully requested.

Claims 69-77 all ultimately depend from independent claim 68, and thus, it is respectfully submitted that these claims are equally allowable. Withdrawal of these rejections and allowance of claims 69-77 is therefore respectfully requested.

In light of the above amendments and remarks, it is respectfully submitted that claims 1-77 are now in condition for allowance, and the Examiner is respectfully requested to reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at 212-790-6348, if a telephone call could help resolve any remaining issues.

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Respectfully submitted,

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